



**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**  
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**December 8, 2006**

**MINUTES OF THE MEETING OF THE  
BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

**2535 Capital Oaks Drive, Third Floor Conference Room  
Sacramento, CA 95833-2926**

**1. Call meeting to order (Agenda Item No. 1)**

The meeting was called to order at approximately 9:30 a.m.

**2. Roll call to establish quorum (Agenda Item No. 2)**

Roll call was taken and a quorum established.

William E. Black, President  
Richard G. Blake, Vice President  
James R. Ashby  
Shirley Husar  
Shayan Samii (absent)  
Jeffrey Schmidt (absent)  
Cecilia Yu

**3. Public comment on non-agenda items. (Agenda Item No. 3)**

Seena Hoose (former BGG Board President, and current member of California State Mining and Geology Board) spoke in support of the importance of the Board and its key role with regard to the economic well-being and personal safety of the public. Ms. Hoose stated that the Sunset Review was due 09/01/07 and encouraged the Board to begin planning efforts at the current meeting.

**CLOSED SESSION**

**[Pursuant to Government Code §§ 11126(a) and (b) 11126(c)(1), 11126(c)(3) and 11126(e)(1)]**

**4. Discussion of personnel matters, examination procedures and results, and pending litigation (as needed) (Agenda Item No. 19)**

a. Orange County Superior Court Case 02CC17018

The Board went into closed session at approximately 9:41 a.m.

### **OPEN SESSION**

**5. Report on results of Closed Session (Agenda Item No. 20)**

Open session reconvened at approximately 10:30 a.m. President Black reported that the Board had met in closed session and discussed the need for a new Executive Officer and Interim Executive Officer and had established a meeting date on December 22, 2006 at 9:30 a.m. He further reported that the meeting would be held in Sacramento with an alternate teleconference site in Southern California.

**6. Approval of the minutes of the May 19, 2006 and October 27, 2006 Board meetings (Agenda Item No. 4)**

Mr. Blake moved to approve the minutes of the May 19, 2006 and October 27, 2006 Board meetings. Ms. Yu seconded the motion. The motion passed with a 5-0 vote.

### **PUBLIC HEARING**

**7. Adjourn Meeting to convene Public Hearing to: (Agenda Item No. 5)**

- **Amend section 3065, Title 16, Division 29, California Code of Regulations, concerning the Code of Professional Conduct**

The meeting was adjourned and the public hearing convened at 10:35 a.m. Ms. Hoose provided oral testimony and there was significant discussion regarding potential revisions. The representative of DCA Legal Affairs summarized the hearing process and proposed tasking the Enforcement Oversight Committee (EOC) with the development of new language. Ms. Husar motioned to withdraw the current regulatory package and delegate to the EOC to draft new language, and bring back to the Board at the beginning of 2007. Mr. Ashby seconded the motion. The motion passed with a 5-0 vote.

**8. Reconvene Board Meeting (Agenda Item No. 6)**

The Public Hearing was adjourned and the Board Meeting reconvened.

**9. Recruitment of new Executive Officer to include, but is not limited to search criteria, resumes/applications received, salary (Agenda Item No. 7)**

The representative of the DCA Personnel Office reported that approximately four applications had been received; however, the committee had not been sent any applications for screening. Ms. Husar inquired as to the forms of advertising being utilized. The representative stated that professional organizations were being notified. Mr. Blake stated that the committee was working on screening criteria and that the duty statement had been sent to California Council of Geoscience Organizations (CCGO). Ms. Husar inquired about out of state recruitment. The representative stated that knowledge of California government is typically looked for in Executive Officer candidates. Mr. Blake raised concerns regarding the position salary range for a licensed professional as the Board would like to see a licensee as the Executive Officer. The Technical Advisory Committee (TAC) Chair presented a table depicting the salary relationship between the Executive Officer and those being supervised. The Chair stated that a rather significant pay issue exists as both the Senior

Engineering Geologist and Engineering Geologist earn more than the Executive Officer position. Mr. Blake proposed making licensure a required qualification for the position. The DCA Legal Affairs representative stated that such a requirement would have to be in statute. Mr. Charles Nestle stated that a requirement of licensure would improve perception and help to restore public confidence in the Board. As a result of significant discussion, the Board directed the DCA Personnel Office to pursue a salary range increase through the Department of Personnel Administration (DPA) for the Executive Officer on the basis of supervised employees earning significantly more, the importance of public safety and oversight responsibility, and the significant growth of California.

**10. Consideration of Business and Professions Code section 7847 comity applications received prior to the Board's October 27, 2006 section 7847 application review moratorium (Agenda Item No. 10)**

Mr. Ashby reported that the review of the Section 7847 comity applications had not yet been completed. President Black and Mr. Ashby both apologized to the applicant that was present at the meeting (Mr. Chip Parrot). Mr. Parrot asked to speak to the Board on his own behalf and provided the Board with an overview of his education, testing, and work experience to be considered in regard to his request for registration without written examination. Mr. Ashby stated that the matter of the outstanding applications would be resolved at the next regularly scheduled Board meeting.

**11. Board direction on criteria for development of Section 7847 regulation (Agenda Item No. 11)**

President Black stated that the Board could either create regulations or make a change to statute to address the issue. After significant discussion, Ms. Yu motioned to have the Technical Advisory Committee develop Section 7847 regulations. Mr. Blake seconded the motion. The motion passed with a 5-0 vote. The moratorium on accepting further applications shall continue until the issue is fully resolved.

**12. Review of existing committees and possible creation of new committees (Agenda Item No. 8)**

The Board reviewed current committees and decided to establish a Sunset Review Committee and an Outreach Committee. Ms. Husar and Mr. Ashby volunteered to serve on the Sunset Review Committee. Mr. Blake and Ms. Husar volunteered to serve on the Outreach Committee.

Mr. Blake motioned to appoint Mr. Ashby to the Enforcement Oversight Committee (EOC) and President Black to the Examination Committee. Ms. Husar seconded the motion. The motion passed with a 5-0 vote.

Mr. Ashby motioned to rescind the prior motion that Board members could not attend committee meetings (of which they were not a part). Ms. Husar seconded the motion. The motion passed with a 5-0 vote. Thus, any Board member can attend any committee meeting (of which they do not belong), and will no longer be excluded.

President Black appointed himself to the Legislative Committee with the committee being restructured to a two-person committee for flexibility in the next legislative session. Ms. Husar stated that Mr. Schmidt was also on the committee.

**13. Administration (Agenda Item No. 14)**

- a. Fund condition**
- b. 06-07 Budget projection**
- c. 07-08 Budget Change Proposals (BCPs)**
- d. Increase in ASBOG Examination Fees**

The representative of the DCA Budget Office provided an overview of the budget process. This overview included information regarding terminology, timelines, and associated paperwork. The representative further explained fund conditions and the specific analysis of the Board's current fund condition, which showed decreasing levels of reserves (\$690K for FY 2005/2006) projected for FY 2006/2007 (estimated at \$441K), FY 2007/2008 (estimated at \$172K), and FY 2008/2009 (estimated at -\$126K) and stated that the Board needs to increase revenues. Ms. Husar raised the issue of possible fee increases. The representative stated that there would be time to address the need to increase revenues. Ms. Hoose inquired about the increase in ASBOG<sup>®</sup> fees for next year. Staff reported that the Board needs to pursue regulations to raise examination fees to reflect the increase taking effect October 2007. Board members discussed looming financial impact caused by this cost increase that was not brought to the Board's attention by the former Executive Officer and its effect on perhaps two or more future exam events pending legislative approval of fee increases that could at least take two years. Also, revenue generating ideas were discussed for implementation to be addressed further at the next board meeting.

**14. Report from subcommittee on the review of the Board's Strategic Plan and Board Members Guidelines and Procedures documents (Agenda Item No. 9)**

President Black recommended deferring until after the appointment of an Executive Officer to permit the new Executive Officer's participation.

**15. Discussion and possible action regarding the interpretation of geological sciences degrees (Agenda Item No. 12)**

Ms. Hoose stated that the Board can define what geological degrees are acceptable to the Board and recommended referring to the Technical Advisory Committee (TAC) to provide recommendations. She also urged the Board to establish core required courses as was done previously. After some discussion, the DCA Legal Affairs representative stated that core curriculum courses are needed in regulation. Mr. Ashby recommended that staff complete technical review and that the Board will have to grant discretion to staff. Mr. Ashby further clarified that the Executive Officer will have the final decision when in place.

**16. Technical Advisory Committee report (Agenda Item No. 13)**

The Technical Advisory Committee (TAC) Chair reported that the Committee had not yet set their calendar, but would like to meet 3 weeks prior to Board meetings. He stated that the Committee would be finishing the information sheets at the next meeting. In regard to continuing education, the Chair stated that the Committee had been gathering information and was working on a proposed program for the next meeting. Mr. Blake raised the issue of retirees and continuing education requirements. The Chair referenced professional organization attendance and stated that a scoring system could be utilized. Mr. Ashby stated that an inactive status needs to be established. The DCA Legal Affairs representative stated that a statutory change would be needed in order to establish an inactive or retiree license status. Staff suggested the Board refer a list of questionable degrees to the Committee. President Black agreed.

**17. Executive Officer's report (Agenda Item No. 15)**

**a. Examination report**

Board staff reported that the March 2, 2007 examinations would take place the following locations: City of Carson, Sacramento (Scottish Rite Center), and the Board office. Staff stated that the initial deadline for applications had passed on November 22, 2006, and the final deadline for supporting documents was December 22, 2006, and that applications were being processed. The Examination Committee met on December 7, 2006, and would meet again in 2007 to evaluate the question banks. President Black proposed giving the examination once a year in Sacramento and once a year in Carson. After discussion regarding current examination ordering procedures the Board directed staff to order the exact number of examinations needed for those scheduled for examination with no overages.

**18. Public Outreach report (Agenda Item No. 16)**

Board staff reported that outreach events had been placed on hold since October 27, 2006. Staff stated that they had visited UC Santa Cruz, CSU San Bernardino, Hamilton Elementary and given presentations. Previously scheduled events had been postponed and contact information retained. President Black directed staff to make contacts and develop an outreach budget for presentation at the next Board Meeting.

**19. Enforcement report (Agenda Item No. 17)**

**a. Consideration of certificate of Board appreciation for Senator Figueroa**

Board staff reported that the Enforcement Oversight Committee (EOC) had met on December 5, 2006 and requested guidance in regard to regulators not being regulated properly. Regulators who review licensee's work product should also be licensed by the Board. Mr. Ashby stated that (at least in the short term) this may be unreasonable/unachievable. However, it should be a stated goal of the Board. Staff reported that the Committee had begun compiling information to assist the EOC Report that is to be prepared annually by the Executive Officer as an update to the Strategic Plan. Staff provided information regarding the email included in the board packet and stated that it was in regard to where we had left off with cite and fine draft regulations. Staff further stated the need for the development of performance standards and criteria.

Staff reported that Tony Jaramillo had been assessed a second cite and fine in the amount of \$2500 and that the Board was given cost recovery authority by the court. Staff stated that a cite and fine had been issued to a mechanical engineer and that action was required but that the former Interim Executive Officer's conflict of interest prohibited action until a new Executive Officer was appointed by the Board. The DCA Legal Affairs representative advised that no accusations should be signed nor informal conferences scheduled until after December 22, 2006 when a new Executive Officer would be in place.

**20. Legal report (Agenda Item No. 18)**

No legal report.

**21. Selection of Board Meeting dates and venues for 2007 (Agenda Item No. 21)**

The Board selected the following calendar for 2007:

February 16, 2007 (Sacramento)

May 18, 2007 (Los Angeles)

August 3, 2007 (Sacramento)

November 16, 2007 (Los Angeles)

**22. Announcements (Agenda Item No. 22)**

No announcements.

**23. Adjourn meeting (Agenda Item No. 23)**

The meeting was adjourned at approximately 4:55 p.m.

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William E. Black, Board President

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Richard R. Rempel, Board Executive Officer

Date Approved: February 16, 2007